

STATE OF MICHIGAN
COURT OF APPEALS

MICHELLE CHOJNOWSKI, SHARON STONE,
KATHY WITTMAN, and KENNETH WROBEL,

UNPUBLISHED
March 26, 2015

Plaintiffs-Appellants,

v

HURON CLINTON METROPOLITAN
AUTHORITY, GEORGE PHIFER, and LT. JOHN
ORSKEY,

No. 317655
Livingston Circuit Court
LC No. 12-026839-CZ

Defendants-Appellees.

Before: RONAYNE KRAUSE, P.J., and K. F. KELLY and STEPHENS, JJ.

RONAYNE KRAUSE, P.J. (*concurring*)

I concur in affirming the trial court's grants of summary disposition in favor of defendants. Based on my reading of the record,¹ it appears that Police Chief George Phifer is likely a bafflingly incompetent and counterproductively over-aggressive, manager. However, he appears to inflict himself upon his unfortunate subordinates in a sufficiently equal-opportunity manner that I am unable to perceive plaintiffs as having been discriminated against on the basis of sex or gender or the subject of retaliation. Being, in the words of the vernacular, a colossal jerk is not actually unlawful per se, and being arguably unfit for a particular supervisory job does not necessarily constitute an actionable offense. I therefore respectfully decline to consider whether the specific instances of Phifer's conduct of which plaintiffs complain constituted adverse employment actions within the meaning of Michigan's Elliott Larsen Civil Rights Act (CRA), MCL 37.2101 *et seq.*

/s/ Amy Ronayne Krause

¹ Because the case is before us on summary disposition, at this stage of the proceedings I have no idea whether the conclusions I am forced to draw from the available evidence submitted are actually correct. This being a court of record, I may not base my conclusions on anything else.